

Remarks/Arguments

Claims 1-24 are pending. Claims 1 and 10 have been amended. The remainder of the claims have been maintained in their original form. Reconsideration of this application in light of the above amendments and the following remarks is requested.

Information Disclosure Statement

Applicant has included a copy of the article entitled "Cluster of Supercomputers - an Alternative to Massively Parallel Computing" by Mierendorff, Schüller, and Trottenberg, for the Examiner's consideration. Applicant has also enclosed a copy of the original Information Disclosure Statement and requests that the Examiner indicate on the IDS that the article has been considered.

Rejections under 35 U.S.C. § 102(e)

Claims 1-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,363,495 to MacKenzie et al. ("MacKenzie"). As the PTO provides in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim...." (emphasis added). Therefore, the MacKenzie patent must disclose all of the elements of the claims to sustain the rejection. Accordingly, Applicant respectfully traverses this rejection on the following grounds.

Claims 1-9

Claim 1, as amended, recites in part ordering a first node not on the list of surviving nodes to halt execution by writing, by a second node on the list of surviving nodes, a termination message into the slot associated with the first node.

Applicant submits that MacKenzie fails to teach or suggest each element of claim 1 required by MPEP § 2131. For example, MacKenzie states that "[d]uring cluster initialization, one node will write each of these blocks to a designated area of the shared disk. At all other times, a node only writes its own NIB." (col. 9, lines 34-37)

(emphasis added). Accordingly, claim 1 is allowable over the cited reference. Claims 2-9 depend from and further limit claim 1 and therefore are allowable for at least the same reason as claim 1.

Claims 10-17

Claim 10, as amended, recites in part instructions for dividing the scratch pad into a plurality of slots, each slot associated with one of a plurality of nodes within the cluster of computers, wherein each slot includes at least a heartbeat field indicating that cluster software is loaded on the node and a node state field indicating a current state of the node.

Applicant submits that MacKenzie fails to teach or suggest each element of claim 10 as required by MPEP § 2131. Accordingly, claim 10 is allowable over the cited reference. Claims 11-17 depend from and further limit claim 10 and therefore are allowable for at least the same reason as claim 10.

Claims 18-24

Claim 18 recites, in part, shutting down each node not on the list of surviving nodes by requiring each node not on the list of surviving nodes to write a special message in a respective slot for that node and then shut down immediately.

Applicant respectfully traverses that the text of MacKenzie (col. 19, lines 38-42) cited in the Office action with respect to this element fails to teach or suggest this element. The cited text of MacKenzie states "The method of claim 4 further comprising: shutting down the computer in response to a determination that the computer is outside of the partition containing the largest number of computers." (col. 19, lines 38-42). The cited text does not teach or suggest "requiring each node not on the list of surviving nodes to write a special message in a respective slot for that node and then shut down immediately," as is recited in claim 18. Accordingly, claim 18 is allowable over the cited reference. Claims 19-24 depend from and further limit claim 18 and therefore are allowable for at least the same reason as claim 18.

Conclusion

Accordingly, Applicant respectfully submits that independent claims 1, 10, and 18 are in condition for allowance. Dependent claims 2-9, 11-17, and 19-24 depend from and further limit their respective independent claims and are also in condition for allowance. Should the Examiner have any further comments, the Examiner is invited to contact the Applicant at the below listed number.

Respectfully submitted,

T. F. Bliss

Timothy F. Bliss
Registration No. 50,925

Dated: August 17, 2004
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 972/739-8638
File: 26530.60
R-82473_1.DOC

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 17, 2004.

Gayle Conner
Gayle Conner